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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTHONY E. FALTESEK
and PATRICK S. GONIA

Appeal 2009-010004
Application 10/716,157
Technology Center 2600

Before ROBERT E. NAPPI, KENNETH W. HAIRSTON and
ALLEN R. MacDONALD, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1, 2, 6-11, 14, 16, 25, and 27-29. Claims 3-5, 12, 13, 15, 17-24, 26, and 30-33 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

According to Appellants, the invention is a system and method for monitoring regions for alarm conditions such as fires based on audio indicia of the alarm or fire condition (Spec. 1).

Exemplary Claim(s)

Exemplary independent claim 1 under appeal reads as follows:

1. A system comprising:

 a plurality of audio modules, at least one module of the plurality of audio modules including at least one audio output transducer and at least one audio input transducer;

 a common control unit in communication with the plurality of audio modules;

 an output device coupled to the control unit, the control unit presents at least audio information received at various of the modules, via the output device, with the presented audio indicative of the presence of individuals or selected environmental conditions in the vicinity of the respective module; and

 which includes at least one of circuitry or software to automatically analyze audio of characteristic sounds emitted by a fire and received at the control unit with respect to at least one fire signature, to establish if an alarm condition is present in the vicinity of at least one of the modules.

Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

YOKOI	US 4,709,330	Nov. 24, 1987
MARKOWITZ	US 6,295,346 B1	Sep. 25, 2001
APPLEBY	GB 2299668 A	Oct. 9, 1996

Rejection(s) and Appellants' Contentions

1. At pages 8-9 of the Appeal Brief, Appellants contend that the Examiner erred in rejecting claims 1, 2, 6, 7, 9-11, 25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yokoi and Appleby because:

- (A) Yokoi fails to teach or suggest “sounds emitted by a fire.”
- (B) Appleby does not operate in the same way as the claimed invention.
- (C) Appleby teaches away from the claimed use of “characteristic sounds emitted by a fire.”

2. At pages 9-10 of the Appeal Brief, Appellants contend that the Examiner erred in rejecting claims 8, 14, 16, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yokoi, Appleby, and Markowitz because:

- (A) Markowitz is limited to speech recognition.
- (B) Yokoi and Appleby fail to teach any analysis of “characteristic sounds emitted by a fire.”

3. At pages 10-13 of the Appeal Brief, Appellants contend that a *prima facie* case of obviousness has not been established.

Issue on Appeal

Whether the Examiner has erred in rejecting claims 1, 2, 6-11, 14, 16, 25, and 27-29 as being obvious?

ANALYSIS

We have reviewed the Examiners' rejections in light of Appellants' arguments that the Examiner has erred.

We disagree with Appellants' conclusion. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur with the conclusion reached by the Examiner.

CONCLUSIONS

- (1) The Examiner has not erred in rejecting claims 1, 2, 6-11, 14, 16, 25, and 27-29 as being unpatentable under 35 U.S.C. § 103(a).
- (2) Claims 1, 2, 6-11, 14, 16, 25, and 27-29 are not patentable.

DECISION

The Examiner's rejection of claims 1, 2, 6-11, 14, 16, 25, and 27-29 is affirmed.

Appeal 2009-010004
Application 10/716,157

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(v).

AFFIRMED

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